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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/778,311	02/07/2001	Kevin Callahan	54151.07US1	5646
34018	7590	04/21/2006	EXAMINER	
GREENBERG TRAURIG, LLP 77 WEST WACKER DRIVE SUITE 2500 CHICAGO, IL 60601-1732			STERRETT, JONATHAN G	
			ART UNIT	PAPER NUMBER
			3623	

DATE MAILED: 04/21/2006

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/778,311
Filing Date: February 07, 2001
Appellant(s): CALLAHAN ET AL.

Gary R. Jarosik
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed April 7, 2006 appealing from the Office action mailed February 1, 2006.

(1) Real Part of Interest

A statement identifying by name the real part of interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is incorrect. Claims 1-19 are pending and Claims 20-36 have been cancelled.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after non-final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

Whirlpool.com is contained in the following references:

Reference A: "KitchenAid Appliance Diagnostic System" archive.org website of whirlpool.com, 6/26/1997;

Reference B: "KitchenAid Repair Service Locator" archive.org website of whirlpool.com, 6/26/1997;

Reference E; Whirlpool website search engine, archive.org website of whirlpool.com 1/17/1999;

Reference F; Whirlpool webpage of air conditioners hypertext links of specific models, archive.org website of 4/29/1999.

Reference G; Whirlpool webpage "Service Matters", archive.org website of 6/26/1997.

PointServe is contained in the following references:

Hickey, Kathleen, "Right Place, Right Time", Nov 1999, Traffic World, v260, n4, p47, Dialog 06791905 57430340, hereafter referred to as **Reference U1**.

PRNewswire, "PointServe Launches Breakthrough On-Line Scheduling Solutions to Dramatically Improve the Reliability of Home and Business-Oriented Service Delivery Regional Rollout to Begin in Salt Lake City on Nov 1; National Launch Slated for Early 2000", Oct 1999, p.1, ProQuest ID 45806204, hereafter referred to as **Reference V1**.

Satran, Dick, "Rocket Scientist tries improving service industry", Oct 1999,

Vancouver Sun, Vancouver, B.C., p.E2, ProQuest ID 08321299, hereafter referred to as **Reference W1**.

Hall, John, R; "New Service Website Holds Promise for Contractors", Nov 1999, Air Conditioning, Heating & Refrigeration News; 208, 13; ABI/INFORM Global, p.1, hereafter referred to as **Reference X1**.

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims: The ground(s) for rejection are reproduced below from the Non-final Office Action, mailed February 1, 2006, and are provided here for the convenience of both the Appellant and the Board of Patent Appeals:

Claims 1-7 and 9-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Whirlpool.com** in view of PointServe.com (**PointServe**).

Whirlpool.com is contained in the following references (designations maintained from Office Action of February 1, 2005):

Reference A: "KitchenAid Appliance Diagnostic System" archive.org website of whirlpool.com, 6/26/1997;

Reference B: "KitchenAid Repair Service Locator" archive.org website of

whirlpool.com, 6/26/1997;

Reference E; Whirlpool website search engine, archive.org website of whirlpool.com 1/17/1999;

Reference F; Whirlpool webpage of air conditioners hypertext links of specific models, archive.org website of 4/29/1999.

Reference G; Whirlpool webpage "Service Matters", archive.org website of 6/26/1997.

PointServe is contained in the following references:

Hickey, Kathleen, "Right Place, Right Time", Nov 1999, Traffic World, v260, n4, p47, Dialog 06791905 57430340, hereafter referred to as **Reference U1**.

PRNewswire, "PointServe Launches Breakthrough On-Line Scheduling Solutions to Dramatically Improve the Reliability of Home and Business-Oriented Service Delivery Regional Rollout to Begin in Salt Lake City on Nov 1; National Launch Slated for Early 2000", Oct 1999, p.1, ProQuest ID 45806204, hereafter referred to as **Reference V1**.

Satran, Dick, "Rocket Scientist tries improving service industry", Oct 1999, Vancouver Sun, Vancouver, B.C., p.E2, ProQuest ID 08321299, hereafter referred to as **Reference W1**.

Hall, John, R; "New Service Website Holds Promise for Contractors", Nov 1999, Air Conditioning, Heating & Refrigeration News; 208, 13; ABI/INFORM Global, p.1, hereafter referred to as **Reference X1**.

Regarding **Claim 1**, Whirlpool.com teaches:

receiving an appliance selection request message at a server device from a client device via a wide area network;

Reference A, drop down menu constitutes application selection request. Since the whirlpool web page is provided over the internet, when a person selects one of the appliances, the selection is received at the server.

the appliance selection request message being indicative of a desire to receive appliance selection data, the appliance selection data facilitating selection of a first home appliance by the customer;

Reference A, drop down menu facilitates selection of different kinds of home appliances – these are selected by a customer who is viewing the webpage; Reference G has a link “Appliance Diagnostics” that facilitates selection of a home appliance by the customer.

transmitting the appliance selection data from the server device to the client device via the wide area network in response to receiving the appliance selection request message;

Reference A webpage is in communication with Whirlpool.com website. This webpage, which includes appliance selection data, is transmitted to the customer (i.e. client device) via the internet (i.e. wide area network) when the customer clicks on the link “Appliance Diagnostics” in Reference G. A customer uses this webpage to transfer selection data back to the whirlpool website

receiving an appliance identifier at the server device from the client device

via the wide area network, the appliance identifier being provided by the customer and distinguishing the first home appliance from a second home appliance;

Reference A, Whirlpool.com webpage on a client device transmits data back to the server device to identify models so that customers can receive aid in resolving to problems, including distinguishing between different home appliances.

receiving a geographical identifier provided by the customer at the server device from the client device via the wide area network;

Reference B, Whirlpool.com webpage transmits zip code information from the customer's computer (i.e. client device) along with product type based on customer's input to identify a service locator.

Whirlpool teaches using drop down boxes to provide customers, who are accessing the whirlpool.com website over the internet, with the ability to select information for transmission back to a server device. Whirlpool's teachings only include the selection data being appliance and location related. Whirlpool teaches that customers can input their zipcode to locate a nearest service company. Whirlpool's webpage operates over the internet, from a web server to a customer's computer (client device).

Whirlpool also teaches receiving a geographical identifier from the client device (the customer viewing whirlpool's webpage) at their web server to identify a service location based on the geographical identifier (zip code). A customer identifying a

service location would be indicative of their desire to have their home appliance repaired.

Whirlpool.com does not teach:

determining at the server device multiple available repair time slots based on at least one of the appliance identifier and the geographical identifier provided by the customer;

transmitting data indicative of the multiple available repair time slots from the server device to the client device via the wide area network to thereby allow customers to select at least one of the multiple available repair time slots; and

receiving time slot selection data at the server device from the client device via the wide area network, the time slot selection data indicating a desire by the customer to have the first home appliance repaired in the one of the multiple available repair time slots selected by the customer.

PointServe teaches:

determining at the server device multiple available repair time slots based on at least one of the appliance identifier and the geographical identifier provided by the customer;

Reference V1 page 2 paragraph 8 line 1-3, PointServe incorporates GIS information into the software package that service providers use to manage scheduling. This would include providing at least one available repair time slot based on the

customer location (i.e. geographical identifier).

Reference W1 page 1 paragraph 6 line 1-3, customers can arrange and schedule a variety of services at their home, i.e. use pointserve to determine multiple available repair time slots based on their geographic location – using PointServe's GIS information.

transmitting data indicative of the multiple available repair time slots from the server device to the client device via the wide area network to thereby allow customers to select at least one of the multiple available repair time slots; and

Reference U1 page 1 paragraph 5 line 1-4, users can access a website (i.e. time slots are transmitted from the server device to the client device) to see what open spaces exist in a company's schedule for service providers. PointServe transmits the time slot data via the internet (i.e. wide area network) to the user's computer (i.e. client device).

receiving time slot selection data at the server device from the client device via the wide area network, the time slot selection data indicating a desire by the customer to have the first home appliance repaired in the one of the multiple available repair time slots selected by the customer.

Reference V1 page 2 paragraph 2 line 1-2, customers can schedule an appointment with a service provider over the internet (i.e. wide area network). The scheduling would require that the service provider receives time slot selection data from the customer's computer (i.e. client device).

Reference W1 page 1 paragraph 6 line 1-3, customers can arrange and schedule

a variety of services at their home. See also PointServe's discussion on Reference V1 page 2 regarding providing 'real time' scheduling to the customer. The examiner interprets this to allowing the customer to choose, based on their geographic information, a time slot data from multiple time slot data.

Pointserve teaches providing customers with a variety of scheduling options (i.e. multiple schedule slots) so that they can schedule home service personnel (including appliance repair) see Reference V1 page 2 paragraph 2 line 1-5. Pointserve teaches that customers are making their own schedules from the information from the internet which involves multiple time slots from the various service providers they can select.

Both Whirlpool.com and PointServe address providing home service to customers, and thus both are analogous art.

PointServe teaches that it helps companies control costs and maximize profits by optimizing the scheduling and dispatch of service workers in accordance with GIS position data that provides for scheduling based on location (Reference U1 page 1 paragraph 2 line 2-6).

Pointserve further teaches that providing customers with the ability to reliably schedule their own service appointments will improve customer satisfaction with home service providers (Reference W1 page 1 paragraph 5 line 1-3).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Whirlpool.com regarding providing appliance selection data over the internet via a drop down box for customers to select and provide appliance selection data from multiple selections of appliance selection data, with the step of determining, transmitting and receiving multiple time slot selection data to and from customers over the internet for scheduling an appliance repair, as taught by PointServe, because it will improve customer satisfaction with the home service industry.

Regarding **Claim 2**, Whirlpool.com and PointServe teach all the limitations of Claim 1 above, but Whirlpool.com does not teach:

the step of dispatching an agent of an appliance repair provider based on the time slot selection data.

PointServe teaches:

the step of dispatching an agent of an appliance repair provider based on the time slot selection data.

Reference V1 page 2 paragraph 3 line 3-4, technician (i.e. agent) is dispatched

Reference V1 page 2 paragraph 2 line 1-2, since the customer is scheduling an appointment based on time slot selection data, the technician would be dispatched based on that time slot selection data.

Both Whirlpool.com and PointServe.com address the needs of appliance owners who are accessing appliance repair information over the internet, and thus both are analogous art.

PointServe teaches that it helps companies control costs and maximize profits by optimizing the scheduling and dispatch of service workers (Reference U1 page 1 paragraph 2 line 2-6).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Whirlpool.com regarding providing appliance selection data over the internet, with the steps of scheduling an agent based on the time slot selection data, as taught by PointServe, because it would enable costs to be controlled and profit maximized through the optimization of service scheduling.

Regarding **Claim 3**, Whirlpool.com and PointServe teach all the limitations of Claim 1 above, but Whirlpool.com does not teach:

the step of repairing the first home appliance, wherein the step of repairing the first home appliance is performed after the step of receiving time slot selection data from the client device via the wide area network.

PointServe teaches:

the step of repairing the first home appliance, wherein the step of repairing

the first home appliance is performed after the step of receiving time slot selection data from the client device via the wide area network.

Reference V1 page 2 paragraph 8 line 1-3, PointServe schedules the technician after the customer selects a time slot for repair – see also Reference U1 page 1 paragraph 1 line 1-2, this example details a washing machine (i.e. appliance repair) repair person scheduled for an appointment at 9 am.

Reference V1 page 2 paragraph 4 line 1-2, PointServe provides web-based scheduling, which includes a service provider receiving time slot selection data via the internet (i.e. wide area network).

Both Whirlpool.com and PointServe.com address the needs of appliance owners who are accessing appliance repair information over the internet, and thus both are analogous art.

PointServe teaches that it helps companies control costs and maximize profits by optimizing the scheduling and dispatch of service workers (Reference U1 page 1 paragraph 2 line 2-6).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Whirlpool.com regarding providing appliance selection data over the internet, with the step of repairing the first home appliance, wherein the step of repairing the first home appliance is performed after the step of

receiving time slot selection data from the client device via the wide area network, as taught by PointServe, because it would enable costs to be controlled and profit maximized through the optimization of service scheduling.

Regarding **Claims 4 and 5**, Whirlpool.com and PointServe teach all the limitations of Claim 1 above, and Whirlpool.com teaches:

the step of receiving an appliance selection request message comprises: the step of receiving a hypertext transport protocol (HTTP) message

Reference A, this webpage is transmitted as an http message, as per Claim 4;
the step of receiving an appliance selection request message from a personal computer (PC), as per Claim 5.

It is inherent that Whirlpool's webpage would have been transmitted from a client computer that is a PC because it is old and well known in the art that PC's can locate and display webpages, including Whirlpool's webpage, and transmit the appliance selection request message.

Regarding **Claim 6**, Whirlpool.com and PointServe teach all the limitations of Claim 1 above, and Whirlpool.com teaches:

the step of transmitting the appliance selection data comprises the step of transmitting web page data.

Reference A, webpage that transmits appliance selection data back to the Whirlpool website.

Regarding **Claim 7**, Whirlpool.com and PointServe teach all the limitations of Claim 1 above, and Whirlpool.com teaches:

transmitting the appliance selection data comprises the step of transmitting a list of model numbers.

Reference F page 1, Whirlpool's website contains hypertext links that denote individual model numbers.

Regarding **Claim 9**, Whirlpool.com and PointServe teach all the limitations of Claim 1 above, but Whirlpool.com does not teach:

transmitting the appliance selection data comprises the step of transmitting a digital picture of an appliance.

Official Notice is taken that it is old and well known in the art of the internet to display digital pictures of products via a web page. This is used by companies to display various pictures to illustrate the visual differences between the two products. This is an efficient way to communicate different product models to a user viewing a website.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the collective teachings of Whirlpool.com and PointServe, regarding providing appliance service and scheduling over the internet, to include the step of

providing digital pictures of appliance products over the internet, because it would provide an efficient way for customers to select the correct product to be repaired.

Regarding **Claim 11**, Whirlpool.com and PointServe teach all the limitations of Claim 1 above, and Whirlpool.com teaches:

wherein the step of transmitting the appliance selection data comprises the step of transmitting data indicative of a search engine query area

Reference E, keyword search input on Whirlpool's webpage.

Regarding **Claim 12**, Whirlpool and PointServe teach all the limitations of Claim 1 above, and Whirlpool.com teaches:

wherein the step of receiving an appliance identifier comprises the step of receiving an appliance model number.

Reference F, model numbers of air conditioners listed on webpage.

Regarding **Claim 13**, Whirlpool and PointServe teach all the limitations of Claim 1 above, and Whirlpool.com teaches:

wherein the step of receiving an appliance identifier comprises the step of receiving an identifier associated with the appliance selection data

Reference F, model numbers are associated with the appliance selection data, in this example, room air conditioners.

Regarding **Claim 14**, Whirlpool and PointServe teach all the limitations of Claim 1 above, and Whirlpool.com teaches:

wherein the step of receiving a geographical identifier comprises the step of receiving a zip code.

Reference B: zip code input area on Whirlpool.com website for receiving a geographic identifier.

Regarding **Claim 15**, Whirlpool.com and PointServe teach all the limitations of Claim 1 above, but Whirlpool does not teach:

wherein the step of determining multiple available repair time slots based on the appliance identifier comprises the step of querying a database of predetermined appliance repair providers for a particular appliance repair provider associated with the appliance identifier.

PointServe teaches:

wherein the step of determining multiple available repair time slots based on the appliance identifier comprises the step of querying a database of predetermined appliance repair providers for a particular appliance repair provider associated with the appliance identifier.

Reference V1 page 2 paragraph 2 line 2-5, customers can search online to find the best service provider (of a plurality of service providers and thus time slots), e.g. for appliance repair the customer would search for the appropriate appliance repair provider based on their particular appliance (i.e. appliance identifier)—see Reference

U1 page 1 paragraph 5 line 1-2, users can search on a particular company's website for repair provider time slot.

Both Whirlpool.com and PointServe.com address the needs of appliance owners who are accessing appliance repair information over the internet, and thus both are analogous art.

PointServe teaches that it helps companies control costs and maximize profits by optimizing the scheduling and dispatch of service workers (Reference U1 page 1 paragraph 2 line 2-6).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Whirlpool.com regarding providing appliance selection data over the internet, with the step of querying a database of predetermined appliance repair providers for a particular appliance repair provider associated with the appliance identifier, as taught by PointServe, because it would enable costs to be controlled and profit maximized through the optimization of service scheduling.

Regarding **Claim 16**, Whirlpool and PointServe teach all the limitations of Claim 1 above, but Whirlpool.com does not teach:

wherein the step of determining multiple available repair time slots further comprises the step of receiving schedule data from the particular appliance

repair provider.

PointServe teaches:

wherein the step of determining multiple available repair time slots further comprises the step of receiving schedule data from the particular appliance repair provider.

Reference U1 page 1 paragraph 5 line 1-3, users can access a company's schedule online to see what available slots (i.e. multiple slots) of the company's service providers have (i.e. receiving schedule data).

Both Whirlpool.com and PointServe.com address the needs of appliance owners who are accessing appliance repair information over the internet, and thus both are analogous art.

PointServe teaches that it helps companies control costs and maximize profits by optimizing the scheduling and dispatch of service workers (Reference U1 page 1 paragraph 2 line 2-6).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Whirlpool.com regarding providing appliance selection data over the internet, with the step of receiving schedule data from the particular appliance repair provider, as taught by PointServe, because it would enable costs to be controlled and profit maximized through the optimization of service

scheduling.

Regarding **Claim 17**, Whirlpool and PointServe teach all the limitations of Claim 1 above, but Whirlpool.com does not teach:

wherein the step of determining multiple available repair time slots based on the appliance identifier and the geographical identifier comprises the step of querying a database of predetermined appliance repair providers for a particular appliance repair provider associated with the geographical identifier.

PointServe teaches:

wherein the step of determining multiple available repair time slots based on the appliance identifier and the geographical identifier comprises the step of querying a database of predetermined appliance repair providers for a particular appliance repair provider associated with the geographical identifier

Reference V1 page 2 paragraph 4 line 1-4, users can search for appliance repair providers in their locale, in this case it is Salt Lake City, so the users would be searching online for a repair provider associated within the Salt Lake City area (i.e. geographical identifier). Searching a multiple number of providers would result in a multiple number of repair time slots also.

Reference V1 page 2 paragraph 8 line 1-4, PointServe uses a geographic information system (GIS) to schedule particular repair service providers. Since it is optimizing scheduling, it would have to take into account the geography of the service provider in proximity to the user requesting the service.

Both Whirlpool.com and PointServe.com address the needs of appliance owners who are accessing appliance repair information over the internet, and thus both are analogous art.

PointServe teaches that it helps companies control costs and maximize profits by optimizing the scheduling and dispatch of service workers (Reference U1 page 1 paragraph 2 line 2-6).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Whirlpool.com regarding providing appliance selection data over the internet, with the step of querying a database of predetermined appliance repair providers for a particular appliance repair provider associated with the geographical identifier, as taught by PointServe, because it would enable costs to be controlled and profit maximized through the optimization of service scheduling.

Regarding **Claim 18**, Whirlpool and PointServe teach all the limitations of Claim 17 above, but Whirlpool.com does not teach:

wherein the step of determining at least multiple time slots further comprises the step of receiving schedule data from the particular appliance repair provider.

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PointServe teaches:

wherein the step of determining multiple available repair time slots further comprises the step of receiving schedule data from the particular appliance repair provider.

Reference U1 page 1 paragraph 5 line 1-3, users can receive schedule data from a particular appliance repair provider to see the open slots (i.e. available repair time slot) available for that provider to schedule a visit to repair their appliance.

Both Whirlpool.com and PointServe.com address the needs of appliance owners who are accessing appliance repair information over the internet, and thus both are analogous art.

PointServe teaches that it helps companies control costs and maximize profits by optimizing the scheduling and dispatch of service workers (Reference U1 page 1 paragraph 2 line 2-6).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Whirlpool.com regarding providing appliance selection data over the internet, with the step of receiving schedule data from the particular appliance repair provider, as taught by PointServe, because it would enable costs to be controlled and profit maximized through the optimization of service scheduling.

Regarding **Claim 19**, Whirlpool and PointServe teach all the limitations of Claim 1 above, but Whirlpool.com does not teach:

wherein the step of transmitting data indicative of the multiple available repair time slots comprises the step of transmitting web page data.

PointServe teaches:

wherein the step of transmitting data indicative of the multiple available repair time slot comprises the step of transmitting web page data.

Reference U1 page 1 paragraph 5 line 1-3, users are accessing a web site (i.e. transmitting web page data) to receive available time slot data.

Both Whirlpool.com and PointServe.com address the needs of appliance owners who are accessing appliance repair information over the internet, and thus both are analogous art.

PointServe teaches that it helps companies control costs and maximize profits by optimizing the scheduling and dispatch of service workers (Reference U1 page 1 paragraph 2 line 2-6).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Whirlpool.com regarding providing appliance selection data over the internet, with the step of receiving schedule data from the

particular appliance repair provider as web page data, as taught by PointServe, because it would enable costs to be controlled and profit maximized through the optimization of service scheduling.

5. **Claims 8** is rejected under 35 U.S.C. 103(a) as being unpatentable over **Whirlpool.com** in view of PointServe.com (**PointServe**) and further in view of **Francett**.

Francett, Barbara, "An Exercise in Utility", June 1997, Software Magazine; 17, 6; ABI/INFORM Global, p.75, hereafter referred to as **Reference U2**.

Regarding **Claim 8**, Whirlpool.com and PointServe teach all the limitations of Claim 1 above, and Whirlpool.com teaches:

providing appliance information over the internet to help a customer with servicing their appliance (Reference A). This includes the customer providing appliance identification information from the client device to the server device (the web server providing the cited whirlpool webpages.

Whirlpool.com does not teach:

receiving a user identifier provided by the customer at the server device from the client device via the wide area network wherein the user identifier functions to identify the customer to the server device; and retrieving a list of model numbers from a purchase history database based on the user identifier, wherein the step of transmitting

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the appliance selection data comprises the step of transmitting the list of model numbers retrieved from the purchase history database.

PointServe teaches:

receiving a user identifier provided by the customer at the server device from the client device via the wide area network; wherein the customer identifier functions to identify the customer to the server device.

Reference V1 page 2 paragraph 2 line 1-2, users can schedule an appointment with a repair service provider over the internet (i.e. a client device transferring information to and from a server device). Pointserve teaches that customers are arranging their own repair schedule and picking a service vendor online that best matches their needs and schedule. This would require the service provider receiving a user identifier from the user so that the company can see appointments for their own personnel, what is being repaired and also know who is contacting the repair service provider-see also Reference X1 page 2 column 3 line 15 –customers accessing the system online are required to pay a fee to access at home repair scheduling – this would require their identity to be received over the internet.

Both Whirlpool.com and PointServe.com address the needs of appliance owners who are accessing appliance repair information over the internet, and thus both are analogous art.

PointServe teaches that it helps companies control costs and maximize profits by optimizing the scheduling and dispatch of service workers (Reference U1 page 1 paragraph 2 line 2-6).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Whirlpool.com regarding providing appliance selection data over the internet, with the step of receiving a user identifier provided by the customer at the server device from the client device via the wide area network, as taught by PointServe, because it would enable costs to be controlled and profit maximized through the optimization of service scheduling.

Whirlpool.com and PointServe do not teach:

retrieving a list of model numbers from a purchase history database based on the user identifier, wherein the step of transmitting the appliance selection data comprises the step of transmitting the list of model numbers retrieved from the purchase history database.

Francett teaches:

retrieving a list of model numbers from a purchase history database based on the user identifier, wherein the step of transmitting the appliance selection data comprises the step of transmitting the list of model numbers retrieved from the purchase history database.

Reference U2 page 76 paragraph 5 line 1-6, the service provider accesses a database (i.e. purchase history database) to determine what appliances the customer has (i.e. their purchase history), so that the repair person has the right parts when they make the service call. This would include retrieving a list of model numbers from the database of customer purchases so that the technician has the appropriate parts when the call is made.

Whirlpool, PointServe and Francett all address providing appliance repair service to customers at their home, thus all are analogous art (See Reference U2 page 75 paragraph 4 line 1-5 – PSE&G targeted servicing home appliances in addition to their traditional utility-based business).

Francett teaches that applying information technology tools provides improvements in efficiency and lowers costs (Reference U2 page 75 paragraph 5 line 3-5).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the collective teachings of Whirlpool.com and PointServe regarding providing internet-based servicing and scheduling of home appliance repair, to include transmitting a list of model numbers from a purchase history database to facilitate selection of the proper model to be repaired, as taught by Francett, because it would provide efficiency and cost reduction improvements by ensuring that the appliance to be

repaired would be correctly identified.

(10) Response to Argument

The applicant argues, see Appeal Brief, Page 7, Lines 9-13, that PointServe. fails to disclose, teach or suggest determining multiple available time slots which are thereafter in keeping with the remainder of the claim elements transmitted to a client device whereby a consumer may selected one of the time slots for use in scheduling a repair.

The examiner respectfully disagrees.

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Whirlpool teaches providing the customer with a pull down menu from which they can select from multiple appliances from which to receive repair information on that appliance. Whirlpool also teaches providing the customer with the nearest service provider based on a geographical identifier provided by the customer. Whirlpool teaches a website accessed by the customer whereby information is transmitted back and forth between the server device (i.e. the web server) and the client device (the internet device used by the customer to access the webpage).

Whirlpool fails to teach the customer receiving multiple repair slots based on their

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geographic identifier (i.e. zip code). PointServe teaches allowing the customer to schedule their own home service calls (see Reference W1 page 1 paragraph 6 line 1-3 “..as the company launches a site that will let consumers arrange and schedule...a range of home-based contractors”). Clearly this cited reference indicates the consumer is scheduling their own calls, rather than picking some candidate schedule slots and then letting the contractor finalize the schedule (See also Reference V1 page 2 paragraph 2 where PointServe teaches that consumers, not vendors, schedule an appointment). PointServe teaches that enabling the consumers to schedule their own calls will improve customer satisfaction with the service industry. The examiner interprets the paragraph of Reference V1 page 2 paragraph 3 regarding ‘real time scheduling’ to mean that the PointServe application is able to finalize the schedule slot when the customer requests it. This is in accordance with the discussion on page 1 of Reference W1, where it is indicated that customers can make their own appointments. PointServe also teaches that the scheduling algorithm takes into account a customer’s location in the routing and scheduling of service calls.

The rejection of Claim 1 is made obvious by a combination of the teachings of Whirlpool, which provides selection of appliance identifier through a drop-down box and provides the nearest service provider based on the customer’s zip code, with the teachings of PointServe, which teaches that consumers are provided with a plurality of service providers (and thus multiple schedule slots, since each service provider must provide at least one schedule slot). It would be obvious to one of ordinary skill in the art to modify the multiple appliance selection provided by Whirlpool with the geographic

based scheduling algorithm provided by PointServe, to fully meet the claim limitations with a reasonable anticipation of success. Both PointServe and Whirlpool address providing appliance servicing through an internet application and thus both are analogous art.

The examiner would further point out that PointServe teaches receiving available time slot information based upon an appliance identifier because a user would not attempt to schedule a refrigerator technician to fix their television set nor would a user attempt to schedule an HVAC technician to perform plumbing repair on a hot water heater. Whirlpool.com teaches finding the “nearest servicer” based on a user’s zip code.

The GIS capability of PointServe and the teaching of PointServe to control costs indicate that receiving an available time slot information based on the location of the appliance to be repaired. For example, a user who lives in Cincinnati Ohio would not be able to schedule a technician from Boise, Idaho because of the excessive costs involved with traveling from Boise to Cincinnati. This teaching of PointServe that the GIS (Geographic Information System – a series of digitized maps that provides for distance calculation based on the existing road network) is used to control costs and maximize profit indicates that service location is used to determine schedule availability.

The applicant argues that the combination of Whirlpool.com and PointServe are impermissible hindsight.

The examiner respectfully disagrees.

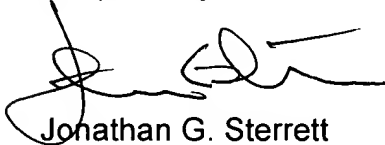
In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,



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Examiner
Art Unit 3623

April 18, 2006


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